THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23920 of 2006

Dated:29.11.2007

Between:

B.Narsimha Rao .. Petitioner

And

The Project Officer,
Integrated Tribal Development Agency (I.T.D.A.),
Bhadrachalam,
Khammam District.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.23920 of 2006

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in issuing the proceedings in Rc.No.A1/ITDA/657/2005, dated 24.11.2005, regularizing the suspension period of the petitioner as leave period, without issuing notice to him, as illegal and void, and consequently, direct the respondent to treat the suspension period as on duty.

2. While the petitioner was working as an Attender in ITDA, Badrachalam, he was placed under suspension on 22.05.2005 on the allegation of dereliction of duties. However, after conducting a detailed enquiry by the respondent, the charges, which were framed against the petitioner, were dropped and he was reinstated into service on 22.10.2005. Thereafter, the impugned proceedings are passed on 24.11.2005 regularizing the suspension period i.e., from 22.05.2005 to 21.10.2005 as Earned Leave for 153 days. While so, the grievance of the petitioner is that the period of suspension undergone by him cannot be treated as Earned Leave, but should be treated as on duty, as per the F.R.54-B of the A.P.Fundamental Rules (for short, "the Rules"). But, the respondent has erroneously passed the impugned proceedings, without notice to him.

3. In the facts and circumstances of the case, I am of the opinion that there cannot be any dispute as to the applicability of the F.R.54-B

of the Rules to the case of the petitioner, in view of the fact that the very suspension order was issued under F.R.53(1) of the Rules, and as such, the impugned proceedings, dated 24.11.2005, is liable to be set aside.

4. Accordingly, the impugned proceedings, dated 24.11.2005, is set aside and the respondent is directed to consider and pass appropriate orders in this regard, after putting the petitioner on notice, as required under F.R.54-B of the Rules.

5. The writ petition is allowed to the extent indicated above. No order as to costs.

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(C.V.RAMULU,J)

Dt.29.11.2007

v v